

**Minutes**  
**Bar Harbor Planning Board**  
**April 1, 2009**  
**Council Chambers – Municipal Building**  
**93 Cottage Street**

**I. CALL TO ORDER — 6:00 p.m.**

*Members present: Kay Stevens-Rosa, Chair; Lynne Williams, Secretary; Dave Bowden, Member; Buck Jardine, Member. Also present: Anne Krieg, Planner; Kris Hultgren, Staff Planner*

**II. EXCUSED ABSENCES**

*Mr. Bowden moved to excuse Mr. Cochary from the meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**III. ADOPTION OF THE AGENDA**

*Bowden moved to alter the agenda so that agenda item A would be moved to the end of Regular Business. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**IV. APPROVAL OF MINUTES**

*Ms. Williams moved to approve the minutes from March 18. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

**V. REGULAR BUSINESS**

**B. Continuation of a Completeness Review – SP-09-02 – West Street Hotel**

**Project Location:** West Street, Bar Harbor Tax Map 104, Lots 113, 114, 115, 116, 117, 118, 122, 123, 143, 144, 146, 147, 149

**Applicant:** North South Construction Inc.

**Application:** Hotel and Accessory Uses

*Mr. Bowden moved to continue the completeness review to next meeting at the request of the applicant. Mr. Jardine seconded and the Board voted unanimously to approve the motion.*

**C. Completeness Review – SD-07-07 – Tarasov**

**Project Location:** Schooner Head Road, Bar Harbor Tax Map 253, Lot 18

**Applicant:** Edward Tarasov

**Application:** 2 lot residential subdivision

Greg Johnston, representing the applicant, reviewed the project with the Board.

The Board discussed the modification of standard request to reduce the width of the road. Mr. Bowden noted that he is not inclined to grant the modification request if the Fire Chief does not approve of the road width reduction.

*Ms. Williams moved to find the application complete with the proviso that the Fire Chief's comments are incorporated into the project. Mr. Jardine seconded and the Board voted unanimously to approve the motion.*

**D. Sketch Plan Review – SD-09-01 – Rechholtz**

**Project Location:** 25 White Spruce Road, Bar Harbor Tax Map 110, Lot 38

**Applicant:** Robert Rechholtz

**Application:** 2 lot residential subdivision

Mr. Rechholtz reviewed the project with the Board.

The Board discussed the project.

*Ms. Williams moved to grant the waivers noted in the staff report. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

Staff will coordinate the site visit with the applicant.

**A. Continuation of a Public Hearing – SD-07-08 – Seabury Woods**

**Project Location:** Seabury Drive, Bar Harbor Tax Map 207, Lot 32

**Applicant:** Tranquility Bond, LLC

**Application:** Proposes a 7 lot residential subdivision

Mr. Bowden commented on the unfortunate rhetoric being used by some during the process of this project. He also mentioned that he would like to address specific issues that have not been addressed like the 2<sup>nd</sup> means of egress modification of standard.

The Board discussed second means of egress.

Mr. Bowden described his reasons for supporting the modification of standard for a second means of egress. He noted that MDOT prefers not to create curb cuts onto mobility arterials, the negative impact on wetlands and that a second means of egress would only help the housing lots in the new development.

Ms. Williams described her reasons for not supporting the request for a modification of standard for the second means of egress. Her concerns focused on the impacts of incremental development and the safety in the subdivision.

Mr. Jardine described his reasons for supporting the modification of standard by focusing on the impact on wetlands and noting that it would mainly help out the lots in the new development.

Ms. Stevens-Rosa agreed that the 2<sup>nd</sup> egress would mainly only benefit the lots in the new development and not lots further down in the subdivision.

The Board continued to discuss the second egress issue.

Mr. Moore, a resident of Seabury Drive, explained his reasoning for why he believes a second egress should be required. He noted his belief that a second means of egress would benefit other lots further down in the subdivision.

Ruth Calais, an abutter to the project, noted her opinion that a second egress would improve safety for all lots on the subdivision.

Pete Calais, an abutter, noted his support for a second means of egress.

***Mr. Bowden moved to grant the modification of standard request for a second means of egress for the reasons stated earlier. Mr. Jardine seconded and the Board voted 3-1 to approve the motion with Ms. Williams voting no.***

The Board discussed the modification of standard request to modify the width of the road.

Mr. Bowden noted his reasons for supporting a modification of standard for the width of the road. He cited submissions to the record that noted that rural dead-end roads do not handle high volumes of traffic and the general consensus among traffic engineers that when a road is widened and straightened it encourages drivers to speed.

Ms. Williams noted that she has concerns with cars being parked on the side of the road while waiting for the school bus. Ms. Stevens-Rosa concurred.

Mr. Jardine commented that improving the area where cars park while families wait for the school bus is a good idea. He also noted his support with improving the tangent of the road at the first curve.

The Board continued to discuss the proposed road improvements to Seabury Drive.

John Kelly, an abutter to the project, commented about the bus stop pick up and drop off. He said he does not think the road should be widened because it is not a safety issue.

Mr. Moore, noted the reasons why he thinks the road should be widened.

Ms. King addressed her letter submitted in February that the applicant does not believe they need a modification of standard but have supplemented the record with reasons why it could be granted.

Ruth Calais noted the reasons why she thinks cars parked on the side of the road while waiting for the school bus pose a danger.

Mr. Moore commented on why he thinks the road should be improved.

Hero Hedifine noted that the applicant can meet the 100 foot tangent requirement.

Mr. Bowden reiterated that a road that is straighter and wider encourages faster vehicle travel and the road would be less safe. He noted these reasons for supporting the modification of standard request for road width.

Mr. Bowden also noted that the Fire Chief had approved of the road width as being wide enough for emergency service vehicles to adequately serve the area.

***Mr. Bowden moved to grant the modification of standard for road width on the basis of safety. The motion failed without a second.***

The Board discussed the applicant's submitted plan to improve Seabury Drive.

John Kelly, an abutter, commented on the tangents and noted that he would rather not cut trees than improve the tangent.

***Mr. Bowden moved to grant the modification of standard request for road width based on safety and that widening a road creates more speed. Mr. Jardine seconded and the Board voted unanimously to approve the motion.***

Mr. Bowden rescinded his motion.

***Mr. Bowden moved to grant the modification of standard for the width of the road based on safety and adopt the Seabury Drive Road improvements plan dated January 28, 2009 by Hedifine Engineering and Design. Mr. Jardine seconded and the Board voted unanimously to approve the motion.***

The Board discussed the fire pond.

John Kelly, an abutter, commented on the fire pond.

The Board discussed the possible existence of a stream on the property. Mr. Coplon noted that when the wetland delineation was done no streams were found on the property.

***Mr. Bowden moved to close the public hearing. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

The Board entered deliberations and discussed the project.

***Mr. Bowden moved to accept the draft decision with the conditions that the fire chief inspects the fire pond and agrees the fire pond must be built before building permits are issued for the lots, the road must be improved, the DEP agrees with the intersection and the sight distance, the Home Owner Agreement and the 125-67.B.7 takes two lots off of a driveway and that the stream will be checked by SW Cole or DEP. Mr. Jardine seconded. The Board discussed the motion. The Board voted 3-1 to approve the motion with Ms. Williams voting no.***

## VI. OTHER BUSINESS

A. Request by the Council Chair to discuss committee rules and procedures draft

Ms. Eveland reviewed her memo to the Board and asked questions about developing better ways to inform new board and committee members about the responsibilities that come with serving.

**VII. PLANNING DIRECTOR'S REPORT**

**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

**IX. ADJOURNMENT – 9:15**

*Mr. Bowden moved to adjourn. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

*Signed as approved:*

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Lynne Williams, Secretary  
Planning Board, Town of Bar Harbor

Date